



State of California
Commission on Judicial Performance
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June 21, 1993

Honorable Gary T. Friedman
Judge of the Superior Court
County of Kern
1415 Truxtun Avenue
Bakersfield, CA 93301

Dear Judge Friedman:

After a hearing before Special Masters, the Commission on Judicial Performance has determined that you should be publicly reprimanded for the following conduct:

1. In September 1987, a defendant who was representing himself in a felony criminal proceeding appeared before Judge Friedman for sentencing. The defendant told the judge he had been unable to read the probation report in part because he had observed and smelled a snake outside his cell. He told the judge that fear of snakes outside his prison cell had kept him awake at night. For the purpose of playing a joke on the defendant, the judge caused the head of a rattlesnake, enclosed in a plastic ball, to be displayed to the defendant when he was locked in a holding cell, causing an emotional outburst.

2. In October 1987, a defendant who was in custody appeared before Judge Friedman for trial. The judge was well aware of the defendant's obsession with a famous TV personality. The judge obtained a publicity photograph of the personality. He then pressured a court employee into writing on the photograph a personal inscription, purportedly from the personality to the defendant. The inscription was designed to play on the defendant's bizarre obsession. The judge caused the photograph to be passed to the defendant. His purpose in these actions was to play a joke on a vulnerable prisoner.

The commission determined that these actions constituted wilful misconduct in office (California Constitution, Article VI, section 18(c).)

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The commission noted and approved this commentary by the Special Masters:

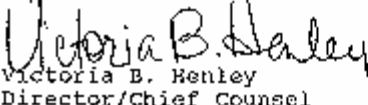
The Special Masters recognize that humor and levity can oftentimes reduce tension in the courtroom. When appropriate, humor can assist in humanizing the otherwise intimidating atmosphere of our courts, and may even assist in improving communications between the judges, attorneys and litigants. However, humor at the expense of another, or humor intended or likely to demean or belittle another is unacceptable. This is particularly true when the object of the joke is someone who has been deprived of his liberty and who is submitting to the jurisdiction of the court.

In determining that a public reproof was appropriate, the commission noted that these two incidents occurred more than five years ago. There is no indication that the judge has engaged in any further conduct of this kind.

The Special Masters and the commission also considered charges relating to the judge's conduct in People v. Pitts, a trial occurring in 1985. The commission declined to take action and dismissed these charges.

This public reproof is issued with Judge Friedman's consent.

Very truly yours,


Victoria B. Henley
Director/Chief Counsel

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